

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

PLAINTIFF

**ARIENNE JONES, DERIC JONES,
HERSCHEL WILLIAMS, and
TANSHENETTA VEALS,**

PLAINTIFF-INTERVENORS

v.

CIVIL ACTION NO.: 3:20-cv-00729-CWR-LGI

**SSM PROPERTIES, LLC, STEPHEN MAULDING, SR.,
JAMES ROE, and SHEILA MAULDING,**

DEFENDANTS

**MEMORANDUM OF LAW IN SUPPORT OF
UNITED STATES' MOTION TO GRANT AS UNOPPOSED
ITS MOTION FOR ORDER TO SHOW CAUSE AS TO WHY
DEFENDANT JAMES ROE SHOULD NOT BE HELD IN CONTEMPT**

On May 15, 2023, following extensive but unsuccessful efforts to compel James Roe to make the civil penalty payments he agreed to make under the Consent Decree in this case, the United States moved this Court for an Order to Show Cause as to why Roe should not be held in contempt. ECF Nos. 147-149. Because Roe is proceeding *pro se*, the United States served an electronic version of this motion and supporting documents on Roe by email to his last-known email address and paper copies by overnight delivery to his last-known home address. Fed Ex records indicate that the paper copies were delivered to Roe on May 17, 2023. Accordingly, Roe had fourteen days, or until May 31, 2023, to file his response (assuming May 17 is considered the receipt of service date). L.U.Civ.R. 7(b)(4). Over a month later, however, Roe has filed no response whatsoever to this motion, nor has he requested any extension of the response deadline.

Local Uniform Civil Rule 7(b)(3)(E) provides that “[i]f a party fails to respond to any motion, other than a dispositive motion, within the time allotted, the court may grant the motion as unopposed.” This rule authorizes the Court to grant motions to which no response has been

filed, even when the responding party is proceeding *pro se*. *Lee v. State Att. Gen.*, No. 3:06-cv-239-WHB-JCS, 2006 WL 1674305, at *1 & n.1 (S.D. Miss. June 9, 2006) (citing substantively-identical previous version of rule); *accord Benton v. Wal-Mart Stores East, LP*, No. 3:11-cv-313-TSL-MTP, 2012 WL 1657134, at *1 (S.D. Miss. May 10, 2012) (“At the outset, the court notes that Plaintiff failed to respond to the instant motion [to strike expert witnesses]. For this reason alone, the motion could be granted as unopposed pursuant to L.U.Civ.R. 7(b)(3)(E).”); *Russell v. Allianz Life Ins. Co. of N. Am.*, No. 3:13-cv-00030-DMB-JMV, 2015 WL 127874, at *1-2 (N.D. Miss. Jan. 8, 2015) (granting as unopposed three motions in *limine* under L.U.Civ.R. 7(b)(3)(E)).

Accordingly, because Roe has failed to respond to the United States’ Motion to Show Cause, the Court should grant that motion as unopposed and, as requested in that motion, set the case for a show-cause hearing on whether Roe should be held in contempt for failing to comply with the Consent Decree.

Dated: June 20, 2023

DARREN J. LAMARCA
United States Attorney

MITZI DEASE PAIGE (MS Bar No. 6014)
Assistant United States Attorney
501 E. Court St., Suite 4.430
Jackson, MS 39201
Tel: (601) 973-2840
Fax: (601) 965-4409
mitzi.paige@usdoj.gov

Respectfully submitted,

KRISTEN CLARKE
Assistant Attorney General
Civil Rights Division

s/ Max Lapertosa
CARRIE PAGNUCCO
Acting Chief
MICHAEL S. MAURER
Deputy Chief
MAX LAPERTOSA
KATHERINE RAIMONDO
NATHAN SHULOCK
Trial Attorneys
United States Department of Justice
Housing and Civil Enforcement Section
Civil Rights Division
950 Pennsylvania Ave. NW – 4CON
Washington, DC 20530
Tel: (202) 598-9726
Fax: (202) 514-1116
Max.Lapertosa@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2023, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record and I hereby certify that I have caused to be sent by email and Fed Ex the document to the following defendant at the address listed below:

James Roe
1255 East County Line Road, Apt. D-3
Jackson, MS 39211
jrio6807@gmail.com

s/ Max Lapertosa